

REMARKS

The Office Action mailed May 19, 2004, has been carefully reviewed and the following remarks and amendment have been made in consequence thereof.

Claims 1, 4-33, 35, and 36 are pending in this application. Claims 5-8, 10, 12-19, 23-29, and 31-33 are rejected. Claims 1, 4, 9, and 11 are allowed. Claims 20-22, 30, and 35-36 are objected to.

The objection of Claims 35 and 36 is respectfully traversed. Specifically, Claim 35 is amended to recite an "end wall is configured to at least partially support the spring", and Claim 36 is amended to recite a "recess is configured to ... end wall is configured to ...". Accordingly, for at least the reasons set forth above, Applicant respectfully requests the objection to Claims 35 and 36 be withdrawn.

The rejection of Claims 5-8, 10, 12-19, 23-29 under the judicially created doctrine of obviousness-type double patenting over claims 8-20 of U.S. Patent Number 6,308,927 is respectfully traversed. Submitted herewith is a Terminal Disclaimer limiting the term of the pending application to that of U.S. Patent Number 6,308,927. Applicant respectfully requests that the obviousness-type double patenting rejection of Claims 5-8, 10, 12-19, 23-29 be withdrawn.

The rejection of Claim 6 under 35 U.S.C. 102(b) as being anticipated by Barnes (U.S. Patent No. 4,007,563) is respectfully traversed.

Barnes describes a steel deck insert (12) for coupling to a steel member (10). The insert includes a boltlike member (13) having an upper portion (14) and a lower portion (16) and a shoulder (26) extending therebetween. Prior to the boltlike member being inserted through a hole (46) in the steel member, a spring (24) and a washer (28) are positioned around the lower section. Once the boltlike member is inserted through the hole, a sleevelike member (30) is positioned above a steel nut to retain the boltlike member in position relative to the steel member.

Claim 6 recites a breakaway signpost connector for attaching a sign support member to an anchor member, wherein the connector includes “a shear member having a first end, a second end, and a necked down section between said first and second ends, wherein said shear member comprises a shoulder extending from one of said first end and said second end...a spring surrounding said shear member and supporting said necked-down section...a bushing surrounding said shear member and said spring.”

Barnes does not describe nor suggest a breakaway signpost connector as recited in Claim 6. More specifically, Barnes does not describe nor suggest a connector that includes a bushing surrounding a shear member and a spring. Rather, in contrast to the present invention, Barnes describes a steel deck insert having a shoulder extending between an upper portion and a lower portion, wherein a spring and a washer are positioned around the lower section. Notably, Barnes does not describe a bushing surrounding the spring. Accordingly, for at least the reasons set forth above, Claim 6 is submitted to be patentable over Barnes.

For the reasons set forth above, Applicant respectfully requests the objection to Claim 6 under 35 U.S.C. 102(b) be withdrawn.

The rejection of Claim 31 under 35 U.S.C. 102(e) as being anticipated by Marshall (U.S. Patent No. 6,390,734) is respectfully traversed.

Marshall describes a device (11) for leveling and supporting a slab foundation on a column of piling sections. A vertical hole is bored through the slab foundation and an anchoring cylinder (13) is inserted in the hole. An adhesive is used to adhere an outer surface of the anchoring cylinder to a portion of the foundation. The cylinder has a plurality of downward-facing load shoulders (23) which are engaged by upward-facing shoulders (33) of a reacting member (17) positioned across and above the hole. Piling sections (63) are inserted into the anchoring cylinder and forced into the earth with a driving device (41) that reacts against the reacting member. The anchoring cylinder is then supported on the piling sections to maintain the desired level of the foundation.

Claim 31 recites an anchor member for installing a sign support member and a breakaway signpost connector that includes a shear bolt and a spring, wherein the anchor member includes “a ground member comprising a first end and a first end wall...an anchor

plate coupled to said ground member at said first end, said anchor plate comprising a threaded opening for receiving a connector, such that said anchor plate and said first end wall form a recess within said first end of said ground member, said recess sized and shaped to at least partially receive the spring such that the spring extends circumferentially within the recess and around a necked down portion of the shear bolt.”

Marshall does not describe or suggest an anchor member as recited in Claim 31. More specifically, Marshall does not describe or suggest an anchor plate that includes a threaded opening for receiving a connector, nor does Marshall describe or suggest a recess sized and shaped to at least partially receive a spring such that the spring extends circumferentially within the recess and around a necked down portion of a shear bolt. Rather, in contrast to the present invention, Marshall describes a device used to level and support a slab foundation on a column of piling sections. Accordingly, for at least the reasons set forth above, Claim 31 is submitted to be patentable over Marshall.

For the reasons set forth above, Applicant respectfully requests the objection to Claim 31 under 35 U.S.C. 102(e) be withdrawn.

The rejection of Claims 32 and 33 under 35 U.S.C. 103(a) as being unpatentable over Marshall in view of Payne (U.S. Patent No. 5,400,997) is respectfully traversed.

Marshall is described above. Payne describes an adjustable anchoring base for a road sign post. The base includes a bottom component (1) having a tapered cavity (6) and a plurality of anchoring bolts (5) extending from the bottom components top surface. A plurality of anchoring plates having slotted holes (2) are secured to the anchoring bolts via ring washers (3) and threaded nuts (4). The anchoring plates facilitate aligning and supporting the sign post when installed. Also, the anchoring plates are moveable when sign is impacted.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, to establish a prima facie case of obviousness, three basic criteria must be met. One of these criteria is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 706.02(j). Applicant respectfully submits that Marshall in combination with Payne

does not teach or suggest all the claim limitations recited by Applicant because neither Marshall nor Payne, considered alone or in combination, describe or suggest an anchor plate that includes a threaded opening for receiving a connector, nor do Marshall and Payne, considered alone or in combination, describe or suggest a recess sized and shaped to at least partially receive a spring such that the spring extends circumferentially within the recess and around a necked down portion of a shear bolt.

In addition, obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Marshall according to the teachings of Payne. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Marshall nor Payne, considered alone or in combination, describe or suggest an anchor plate that includes a threaded opening for receiving a connector, nor do Marshall and Payne, considered alone or in combination, describe or suggest a recess sized and shaped to at least partially receive a spring such that the spring extends circumferentially within the recess and around a necked down portion of a shear bolt.

Furthermore, if art “teaches away” from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. Moreover, Applicant respectfully submits that Marshall and Payne teach away from the present invention, and as such, there is no suggestion or motivation to combine Marshall with Payne to produce the claimed invention. Specifically, in contrast to the present invention, Marshall describes a device used to level and support a slab foundation on a column of piling sections, and in further contrast to Marshall and to the present invention, Payne describes an adjustable anchoring base for a road sign post that includes a bottom component having a plurality of anchoring plates having slotted holes for aligning and supporting the sign post when installed.

Accordingly, and to the extent understood, no combination of Marshall and Payne describes or suggests the claimed invention. Specifically, Claim 31 recites an anchor

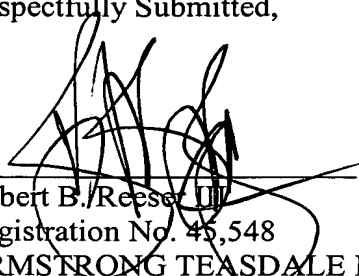
member for installing a sign support member and a breakaway signpost connector that includes a shear bolt and a spring, wherein the anchor member includes “a ground member comprising a first end and a first end wall...an anchor plate coupled to said ground member at said first end, said anchor plate comprising a threaded opening for receiving a connector, such that said anchor plate and said first end wall form a recess within said first end of said ground member, said recess sized and shaped to at least partially receive the spring such that the spring extends circumferentially within the recess and around a necked down portion of the shear bolt.”

Neither Marshall nor Payne, considered alone or in combination, describe or suggest an anchor member as recited in Claim 1. More specifically, neither Marshall nor Payne, considered alone or in combination, describe or suggest an anchor plate that includes a threaded opening for receiving a connector, nor do Marshall and/or Payne, considered alone or in combination, describe or suggest a recess sized and shaped to at least partially receive a spring such that the spring extends circumferentially within the recess and around a necked down portion of a shear bolt. Rather, in contrast to the present invention, Marshall describes a device used to level and support a slab foundation on a column of piling sections, and Payne describes an adjustable anchoring base for a road sign post that includes a bottom component having a plurality of anchoring plates having slotted holes for aligning and supporting the sign post when installed. Accordingly, for at least the reasons set forth above, Claim 31 is submitted to be patentable over Marshall.

Claims 32 and 33 depend from independent Claim 31. When the recitations of Claims 32 and 33 are considered in combination with the recitations of Claim 31, Applicant submits that dependent Claims 32 and 33 likewise are patentable over Marshall in view of Payne.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robert B. Reeser III', is written over a horizontal line. The signature is stylized and somewhat cursive.

Robert B. Reeser III
Registration No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070